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2014 OCT 23 PM 2:29

CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY DEPUTY

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

JEFFREY N. SELF,

Plaintiff,

v.

BNSF RAILWAY COMPANY,

Defendant.

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Civil Action No. 1:14-CV-00618-SS

SCHEDULING ORDER

Pursuant to Rule 16, Federal Rules of Civil Procedure, the Court issues the following scheduling order:

1. A report on alternative dispute resolution in compliance with Local Rule CV-88 shall be filed by June 1, 2015.

2. The parties asserting claims for relief shall submit a written offer of settlement to opposing parties by January 30, 2015, and each opposing party shall respond, in writing, by February 20, 2015. All offers of settlement are to be private, not filed, and the Court is not to be advised of the same. The parties are further ORDERED to retain the written offers of settlement and responses as the Court will use these in assessing attorney's fees and court costs at the conclusion of trial.

3. Each party shall complete and file the attached "Notice Concerning Reference to United States Magistrate Judge" on or before October 31, 2014.

4. The parties shall file all amended or supplemental pleadings and shall join additional parties by February 6, 2015.

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5. Any party asserting claims for affirmative relief shall disclose its designation of potential witnesses, testifying experts, and proposed exhibits, by serving, not filing, the designation on all parties by May 15, 2015. Any party resisting claims for relief shall disclose its potential witnesses, testifying experts, and proposed exhibits, and shall serve, not file, the disclosure on all parties by June 15, 2015. All designations of rebuttal experts shall be served, not filed, within **15 days** of receipt of the report of the opposing expert.

Any witness who will present any opinion in trial is considered an expert, and the disclosure must contain a written summary of the witness's testimony in an expert report. The Fed. R. Civ. P. 26 standard is not applicable to this paragraph; it does not make any difference whether or not the expert witness is a "retained expert," as any opinion or testimony of any expert not contained in the expert report will not be permitted at trial.

6. An objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, within **eleven (11) days** of receipt of the written report of the expert's proposed testimony, or within **eleven (11) days** of the expert's deposition, if a deposition is taken, whichever is later.

7. The parties shall complete all discovery on or before July 15, 2015. Counsel may by agreement continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

8. All dispositive motions shall be filed no later than August 17, 2015 and shall be limited to twenty (20) pages. Responses to dispositive motions shall be filed not later than fourteen (14) days after the filing of the motion and shall be limited to twenty (20) pages. A

reply in support of a dispositive motion shall be filed not later than seven (7) days after the filing of the response to the motion and shall be limited to ten (10) pages, but the Court need not wait for the reply before ruling on the motion.

9. This case is set for docket call on April 29, 2016 at 11:00 a.m. and trial in the month of May 2016. At docket call, the parties shall submit a short, one paragraph statement of the parties' contentions, voir dire questions, proposed jury instructions and verdict forms, exhibit and witness lists, and any motions in limine.

SIGNED this the 23rd day of October 2014.


UNITED STATES DISTRICT JUDGE

AGREED:

/s/ Price Ainsworth (w/permission)

Price Ainsworth
State Bar No. 00950300
LAW OFFICES OF PRICE AINSWORTH, P.C.
48 E. Avenue
Austin, Texas 78701
Telephone: (512) 474-1661
Telecopier: (512) 472-9157
E-mail: price@ainsworth-law.com

C. Marshall Friedman
Missouri Bar No. 19131
(Subject to Pro Hac Vice)
Kenneth E. Rudd
Missouri Bar No. 27892
(Subject to Pro Hac Vice)
LAW OFFICES OF C. MARSHALL
FRIEDMAN P.C.
1010 Market Street, 13th Floor
St. Louis, Missouri 63101
Telephone: (314) 621-8400
Telecopier: (314) 621-8843
E-mail: ker@friedman-legal.com

ATTORNEYS FOR PLAINTIFF
JEFFREY N. SELF

/s/ Bryan P. Neal

Bryan P. Neal
State Bar No. 00788106
THOMPSON & KNIGHT LLP
One Arts Plaza
1722 Routh Street, Suite 1500
Dallas, Texas 75201
Telephone: (214) 969-1700
Telecopier: (214) 969-1751
E-mail: bryan.neal@tklaw.com

Christopher D. Smith
State Bar No. 24051349
THOMPSON & KNIGHT LLP
98 San Jacinto Blvd, Suite 1900
Austin, Texas 78701
Telephone: (512) 469-6108
Telecopier: (512) 469-6180
E-mail: chris.smith@tklaw.com

ATTORNEYS FOR DEFENDANT
BNSF RAILWAY COMPANY

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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

-vs-

Case No.

**NOTICE CONCERNING REFERENCE TO
UNITED STATES MAGISTRATE JUDGE**

In accordance with the provisions of 28 U.S.C. § 626(c), Federal Rules of Civil Procedure 73, and the Local Rules of the United States District Court for the Western District of Texas, the following party: _____

through counsel: _____

hereby (select one):

- ☐ consents to having a United States Magistrate Judge preside over the trial in this case.
- ☐ declines to consent to trial before a United States Magistrate Judge.

Respectfully submitted,

By: _____
Attorney for: _____